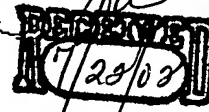


Official

#5/8-14-02
E. Hill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroki NAKAHIRA *et al.* Art Unit :
Serial No.: Examiner :
Filed : December 21, 2001
Title : CONTROL APPARATUS FOR CUTTING MACHINE AND METHOD
OF INDICATION

Assistant Commissioner for Patents
Washington, DC 20231

STATEMENT REGARDING ATTEMPTED EXPRESS MAIL SUBMISSION
PURSUANT TO NOTICE AT 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001)

Dear Sir:

I, the undersigned, being a registered patent attorney, presented the accompanying express mail package to the U.S. Postal Service at Bush Intercontinental Airport, Houston, Texas, on December 21, 2001. The package is properly addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

The U.S.P.S. employee refused to accept this package, citing the November 16, 2001, notice of the Chief Operating Officer and Executive Vice President of the United States Postal Service temporarily and immediately suspending Express Mail service to Washington, D.C., ZIP Codes 202xx through 205xx (e.g., 20231). It is noted that the USPTO designated this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). The U.S.P.S. employee was unaware that this Notice had been rescinded, and could not be convinced otherwise.

PATENT
ATTORNEY DOCKET NO.: 04995/045001

Because the Notice has been rescinded, the undersigned did not have on hand the alternative Virginia address designated by the USPTO for acceptance of Express Mail filings. Due to the timing involved, the undersigned was unable to return to his office, re-address the express mail filing, and return to the airport. Accordingly, the undersigned avails himself to the instructions provided by the notice in the Official Gazette on October 9, 2001, that provides guidance in the situation in which a post office refuses to accept the deposit of mail for delivery by Express Mail service. See United States Postal Service Interruption and Emergency, 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001). These instructions provide that the applicant should:

mail the correspondence to the USPTO by registered or first class mail with a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail. The statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The statement must be signed in accordance with 37 CFR 10.18. The correspondence should be mailed as set out in 37 CFR 1.1(a) and include the special box designation: BOX FILING DATE.

This statement complies with these instructions in all respects. The undersigned hereby certifies that this paper, and the accompanying utility patent application enclosed in an un-opened express mail envelope, have been mailed on December 21, 2001, to the Assistant Commissioner for Patents, Washington, D.C. 20231, as set out in 37 C.F.R. 1.1(a) and includes the special box designation: BOX FILING DATE.

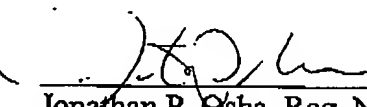
PATENT
ATTORNEY DOCKET NO.: 04995/045001

No petition is believed necessary for submission of this statement and accordation of the proper filing date of December 21, 2001. However, if a petition is deemed necessary, please consider this paper as such at charge the necessary fee, if any, to Deposit Account 500-591 (Reference Number 04995/045001).

Please apply any charges not covered to Deposit Account 500-591 (Reference Number 04995/045001).

Respectfully submitted,

Date: 12/21/01


Jonathan P. Osha, Reg. No. 33,986
Rosenthal & Osha L.L.P.
700 Louisiana, Suite 4550
Houston, TX 77002

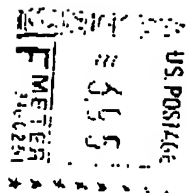
Telephone: (713) 228-8600
Facsimile: (713) 228-8778

ROSENTHAL & OSHA L.L.P.

SUITE 4550 • 700 LOUISIANA STREET
HOUSTON, TEXAS 77002

BOX FILING DATE

~~BOX FILING APPLICATION~~
Assistant Commissioner for Patents
Washington, DC 20231



ONE HOUSTON CENTER • SUITE 2800
1221 MCKINNEY STREET
HOUSTON, TEXAS 77010
TELEPHONE: (713) 228-8600
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ROSENTHAL & OSHA L.L.P.

Fax

Date: July 22, 2002

File: 04995/045001

To: Ms. Ella Washington

Fax No.: (703) 746-7240

From: Staci R. Tulley

Re: Statement Regarding Attempted Express Mail Submission

Pages (including cover sheet): 6

☒ **URGENT!**

☐ Please Reply

☐ Please Review
& Comment

☐ For Your
Information

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

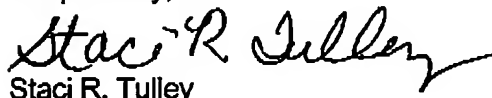
Applicant(s) : Hiroki NAKAHIRA, et al.
Application No. : 10/051,522
Filing Date : December 21, 2001
Title : CONTROL APPARATUS FOR CUTTING MACHINE AND
METHOD OF INDICATION

Ms. Washington,

Pursuant to our telephone conversation of today, enclosed please find the Statement regarding Attempted Express Mail Submission Pursuant to Notice at 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001) as filed with the above-referenced application on December 21, 2001.

Please let me know if you require anything further. Thank you very much for your assistance in this matter.

Respectfully,


Staci R. Tulley

CONFIDENTIALITY NOTICE

32753_1

This document (including any attachments) may contain privileged or confidential information. In the event that this document has been sent to you in error, or otherwise has been misdirected, please call the sender COLLECT at (713) 228-8600 to arrange for its prompt return or destruction. Your cooperation is greatly appreciated.

Received from <7132288778> at 7/22/02 11:16:55 AM [Eastern Daylight Time]